

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RONALD DONALD PEPPERS	:	
	:	
Petitioner	:	CIVIL ACTION
	:	
vs.	:	
	:	NO. 07-CV-3011
	:	
LOUIS S. FOLINO, et al.	:	
	:	
Respondents	:	

ORDER

AND NOW, this 22nd day of March, 2010, upon an independent and thorough review of Petitioner's Petition and Amended Petition for Writ of Habeas Corpus and the state court record, and after conducting a de novo review¹ of Magistrate Judge Elizabeth T. Hey's Report and Recommendation, in light of Petitioner's objections thereto, it is hereby ORDERED that:

1. The Report and Recommendation (Doc. No. 16) is ADOPTED and APPROVED;
2. The Petitioner's Objections (Doc. No. 20) are OVERRULED;
3. The Petition for Writ of Habeas Corpus, (Doc. No. 4), and the Amended Petition for Writ of Habeas Corpus, (Doc. No. 38), are DENIED and DISMISSED;

¹ Section 636 of Title 28 of the United States Code governs the jurisdiction, power, and temporary assignments of United States Magistrate Judges. Subsection (b)(1) provides:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions.

4. There is no basis for the issuance of a certificate of appealability;² and,
5. The Clerk of Courts is DIRECTED to CLOSE this case for statistical purposes.

BY THE COURT:

/s/ Thomas M. Golden

THOMAS M. GOLDEN, J.

²A certificate of appealability will not be issued because “jurists of reason” could not disagree with the Court’s resolution of the Petitioner’s constitutional claims or “conclude [that] the issues presented are adequate to deserve encouragement to proceed further.” Miller-El v. Cockrell, 537 U.S. 322, 327 (2003) (discussing AEDPA standards for issuing COA in Section 2254 habeas petition); see also 28 U.S.C. § 2253(c)(2) (“A certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.”).